

Order

Michigan Supreme Court
Lansing, Michigan

January 22, 2008

Clifford W. Taylor,
Chief Justice

135056

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

DESIREE L. KIMPSON, Personal
Representative of the Estate of
Jean Carole Benjamin, Deceased,
Plaintiff-Appellee,

v

SC: 135056
COA: 269253
Oakland CC: 2002-044309-NH

BOTSFORD GENERAL HOSPITAL,
and JOHN PARMELY, D.O.,
Defendants-Appellants.

On order of the Court, the application for leave to appeal the October 9, 2007 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals because the plaintiff falls within the class of plaintiffs entitled to relief identified in our order in *Mullins v St Joseph Mercy Hospital* (Docket No. 131879), ___ Mich ___ (decided 11/28/07). We REMAND this case to the Oakland Circuit Court for entry of an order denying the defendants' motion for summary disposition and for further proceedings not inconsistent with this order and the order in *Mullins*. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 22, 2008

Corbin R. Davis

Clerk